

106TH CONGRESS
2D SESSION

S. 3052

To designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2000

Mr. SMITH of Oregon (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CON-**
4 **TENTS.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Steens Mountain Wilderness Act of 2000”.

7 (b) **PURPOSES.**—The purposes of this Act are the fol-
8 lowing:

1 (1) To maintain the cultural, economic, ecologi-
2 cal, and social health of the Steens Mountain area
3 in Harney County, Oregon.

4 (2) To designate the Steens Mountain Wilder-
5 ness Area.

6 (3) To designate the Steens Mountain Coopera-
7 tive Management and Protection Area.

8 (4) To provide for the acquisition of private
9 lands through exchange for inclusion in the Wilder-
10 ness Area and the Cooperative Management and
11 Protection Area.

12 (5) To provide for and expand cooperative man-
13 agement activities between public and private land-
14 owners in the vicinity of the Wilderness Area and
15 surrounding lands.

16 (6) To authorize the purchase of land and de-
17 velopment and nondevelopment rights.

18 (7) To designate additional components of the
19 National Wild and Scenic Rivers System.

20 (8) To establish a reserve for redband trout and
21 a wildlands juniper management area.

22 (9) To establish a citizens' management advi-
23 sory council for the Cooperative Management and
24 Protection Area.

1 (10) To maintain and enhance cooperative and
 2 innovative management practices between the public
 3 and private land managers in the Cooperative Man-
 4 agement and Protection Area.

5 (11) To promote viable and sustainable grazing
 6 and recreation operations on private and public
 7 lands.

8 (12) To conserve, protect, and manage for
 9 healthy watersheds and the long-term ecological in-
 10 tegrity of Steens Mountain.

11 (13) To authorize only such uses on Federal
 12 lands in the Cooperative Management and Protec-
 13 tion Area that are consistent with the purposes of
 14 this Act.

15 (c) TABLE OF CONTENTS.—The table of contents of
 16 this Act is as follows:

Sec. 1. Short title; purposes; table of contents.

Sec. 2. Definitions.

Sec. 3. Maps and legal descriptions.

Sec. 4. Valid existing rights.

Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.

Sec. 102. Purpose and objectives of Cooperative Management and Protection Area.

Subtitle B—Management of Federal Lands

Sec. 111. Management authorities and purposes.

Sec. 112. Roads and travel access.

Sec. 113. Land use authorities.

- Sec. 114. Land acquisition authority.
- Sec. 115. Special use permits.

Subtitle C—Cooperative Management

- Sec. 121. Cooperative management agreements.
- Sec. 122. Cooperative efforts to control development and encourage conservation.

Subtitle D—Advisory Council

- Sec. 131. Establishment of advisory council.
- Sec. 132. Advisory role in management activities.
- Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

- Sec. 201. Designation of Steens Mountain Wilderness Area.
- Sec. 202. Administration of Wilderness Area.
- Sec. 203. Water rights.
- Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

- Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
- Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

- Sec. 401. Designation of mineral withdrawal area.
- Sec. 402. Treatment of State lands and mineral interests.

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

- Sec. 501. Wildlands juniper management area.
- Sec. 502. Release from wilderness study area status.

TITLE VI—LAND EXCHANGES

- Sec. 601. Land exchange, Roaring Springs Ranch.
- Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
- Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
- Sec. 604. Land exchange, Lowther (Clemens) Ranch.
- Sec. 605. General provisions applicable to land exchanges.

TITLE VII—FUNDING AUTHORITIES

- Sec. 701. Authorization of appropriations.
- Sec. 702. Use of land and water conservation fund.

1 SEC. 2. DEFINITIONS.

2 In this Act:

1 (1) ADVISORY COUNCIL.—The term “advisory
2 council” means the Steens Mountain Advisory Coun-
3 cil established by title IV.

4 (2) COOPERATIVE MANAGEMENT AGREE-
5 MENT.—An agreement to plan or implement (or
6 both) cooperative recreation, ecological, grazing,
7 fishery, vegetation, prescribed fire, cultural site pro-
8 tection, wildfire or other measures to beneficially
9 meet public use needs and the public land and pri-
10 vate land objectives of this Act.

11 (3) COOPERATIVE MANAGEMENT AND PROTEC-
12 TION AREA.—The term “Cooperative Management
13 and Protection Area” means the Steens Mountain
14 Cooperative Management and Protection Area des-
15 ignated by title I.

16 (4) EASEMENTS.—

17 (A) CONSERVATION EASEMENT.—The
18 term “conservation easement” means a binding
19 contractual agreement between the Secretary
20 and a landowner in the Cooperative Manage-
21 ment and Protection Area under which the
22 landowner, permanently or during a time period
23 specified in the agreement, agrees to conserve
24 or restore habitat, open space, scenic, or other

ecological resource values on the land covered
by the easement.

(B) NONDEVELOPMENT EASEMENT.—The
term “nondevelopment easement” means a
binding contractual agreement between the Sec-
retary and a landowner in the Cooperative Man-
agement and Protection Area that will, perma-
nently or during a time period specified in the
agreement—

(i) prevent or restrict development on
the land covered by the easement; or

(ii) protect open space or viewshed.

(5) ECOLOGICAL INTEGRITY.—The term “eco-
logical integrity” means a landscape where ecological
processes are functioning to maintain the structure,
composition, activity, and resilience of the landscape
over time, including—

(A) a complex of plant communities, habi-
tats and conditions representative of variable
and sustainable successional conditions; and

(B) the maintenance of biological diversity,
soil fertility, and genetic interchange.

(6) MANAGEMENT PLAN.—The term “manage-
ment plan” means the management plan for the Co-
operative Management and Protection Area and the

1 Wilderness Area required to be prepared by section
2 111(b).

3 (7) REDBAND TROUT RESERVE.—The term
4 “Redband Trout Reserve” means the Donner und
5 Blitzen Redband Trout Reserve designated by sec-
6 tion 302.

7 (8) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior, acting through the Bu-
9 reau of Land Management.

10 (9) SCIENCE COMMITTEE.—The term “science
11 committee” means the committee of independent sci-
12 entists appointed under section 133.

13 (10) WILDERNESS AREA.—The term “Wilder-
14 ness Area” means the Steens Mountain Wilderness
15 Area designated by title II.

16 **SEC. 3. MAPS AND LEGAL DESCRIPTIONS.**

17 (a) PREPARATION AND SUBMISSION.—As soon as
18 practicable after the date of the enactment of this Act,
19 the Secretary shall prepare and submit to Congress maps
20 and legal descriptions of the following:

21 (1) The Cooperative Management and Protec-
22 tion Area.

23 (2) The Wilderness Area.

24 (3) The wild and scenic river segments and
25 redband trout reserve designated by title III.

1 (4) The mineral withdrawal area designated by
2 title IV.

3 (5) The wildlands juniper management area es-
4 tablished by title V.

5 (6) The land exchanges required by title VI.

6 (b) **LEGAL EFFECT AND CORRECTION.**—The maps
7 and legal descriptions referred to in subsection (a) shall
8 have the same force and effect as if included in this Act,
9 except the Secretary may correct clerical and typo-
10 graphical errors in such maps and legal descriptions.

11 (c) **PUBLIC AVAILABILITY.**—Copies of the maps and
12 legal descriptions referred to in subsection (a) shall be on
13 file and available for public inspection in the Office of the
14 Director of the Bureau of Land Management and in the
15 appropriate office of the Bureau of Land Management in
16 the State of Oregon.

17 **SEC. 4. VALID EXISTING RIGHTS.**

18 Nothing in this Act shall effect any valid existing
19 right.

20 **SEC. 5. PROTECTION OF TRIBAL RIGHTS.**

21 Nothing in this Act shall be construed to diminish
22 the rights of any Indian tribe. Nothing in this Act shall
23 be construed to diminish tribal rights, including those of
24 the Burns Paiute Tribe, regarding access to Federal lands

1 for tribal activities, including spiritual, cultural, and tradi-
 2 tional food gathering activities.

3 **TITLE I—STEENS MOUNTAIN CO-**
 4 **OPERATIVE MANAGEMENT**
 5 **AND PROTECTION AREA**
 6 **Subtitle A—Designation and**
 7 **Purposes**

8 **SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERA-**
 9 **TIVE MANAGEMENT AND PROTECTION AREA.**

10 The Secretary shall designate the Steens Mountain
 11 Cooperative Management and Protection Area consisting
 12 of approximately 500,000 acres of Federal land located
 13 in Harney County, Oregon, in the vicinity of Steens Moun-
 14 tain, as generally depicted on the map entitled Steens
 15 Mountain Cooperative Management and Protection Area
 16 and dated July 21, 2000.

17 **SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE**
 18 **MANAGEMENT AND PROTECTION AREA.**

19 (a) PURPOSE.—The purpose of the Cooperative Man-
 20 agement and Protection Area is to conserve, protect, and
 21 manage the long-term ecological integrity of Steens Moun-
 22 tain for future and present generations.

23 (b) OBJECTIVES.—To further the purpose specified
 24 in subsection (a), and consistent with such purpose, the
 25 Secretary shall manage the Cooperative Management and

1 Protection Area for the benefit of present and future
2 generations—

3 (1) to maintain and enhance cooperative and in-
4 novative management projects, programs and agree-
5 ments between tribal, public, and private interests in
6 the Cooperative Management and Protection Area;

7 (2) to promote grazing, recreation, historic, and
8 other uses that are sustainable;

9 (3) to conserve, protect and to ensure tradi-
10 tional access to cultural, gathering, religious, and ar-
11 chaeological sites by the Burns Paiute Tribe on Fed-
12 eral lands and to promote cooperation with private
13 landowners;

14 (4) to ensure the conservation, protection, and
15 improved management of the ecological, social, and
16 economic environment of the Cooperative Manage-
17 ment and Protection Area, including geological, bio-
18 logical, wildlife, riparian, and scenic resources; and

19 (5) to promote and foster cooperation, commu-
20 nication, and understanding and to reduce conflict
21 between Steens Mountain users and interests.

1 **Subtitle B—Management of Federal**
2 **Lands**

3 **SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.**

4 (a) IN GENERAL.—The Secretary shall manage all
5 Federal lands included in the Cooperative Management
6 and Protection Area pursuant to the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1701 et seq.)
8 and other applicable provisions of law, including this Act,
9 in a manner that—

10 (1) ensures the conservation, protection, and
11 improved management of the ecological, social and
12 economic environment of the Cooperative Manage-
13 ment and Protection Area, including geological, bio-
14 logical, wildlife, riparian, and scenic resources,
15 North American Indian tribal and cultural and ar-
16 chaeological resource sites, and additional cultural
17 and historic sites; and

18 (2) recognizes and allows current and historic
19 recreational use.

20 (b) MANAGEMENT PLAN.—Within four years after
21 the date of the enactment of this Act, the Secretary shall
22 develop a comprehensive plan for the long-range protection
23 and management of the Federal lands included in the Co-
24 operative Management and Protection Area, including the
25 Wilderness Area. The plan shall—

1 (1) describe the appropriate uses and manage-
2 ment of the Cooperative Management and Protection
3 Area consistent with this Act;

4 (2) incorporate, as appropriate, decisions con-
5 tained in any current or future management or ac-
6 tivity plan for the Cooperative Management and
7 Protection Area and use information developed in
8 previous studies of the lands within or adjacent to
9 the Cooperative Management and Protection Area;

10 (3) provide for coordination with State, county,
11 and private local landowners; and

12 (4) determine measurable and achievable man-
13 agement objectives, consistent with the management
14 objectives in section 102, to ensure the ecological in-
15 tegrity of the area.

16 (c) MONITORING.—The Secretary shall implement a
17 monitoring program for Federal lands in the Cooperative
18 Management and Protection Area so that progress to-
19 wards ecological integrity objectives can be determined.

20 **SEC. 112. ROADS AND TRAVEL ACCESS.**

21 (a) TRANSPORTATION PLAN.—The management plan
22 shall include, as an integral part, a comprehensive trans-
23 portation plan for the Federal lands included in the Coop-
24 erative Management and Protection Area, which shall ad-

1 dress the maintenance, improvement, and closure of roads
2 and trails as well as travel access.

3 (b) PROHIBITION ON OFF-ROAD MOTORIZED TRAV-
4 EL.—

5 (1) PROHIBITION.—The use of motorized or
6 mechanized vehicles on Federal lands included in the
7 Cooperative Management and Protection Area—

8 (A) is prohibited off road; and

9 (B) is limited to such roads and trails as
10 may be designated for their use as part of the
11 management plan.

12 (2) EXCEPTIONS.—Paragraph (1) does not pro-
13 hibit the use of motorized or mechanized vehicles on
14 Federal lands included in the Cooperative Manage-
15 ment and Protection Area if the Secretary deter-
16 mines that such use—

17 (A) is needed for administrative purposes
18 or to respond to an emergency; or

19 (B) is appropriate for the construction or
20 maintenance of agricultural facilities, fish and
21 wildlife management, or ecological restoration
22 projects, except in areas designated as wilder-
23 ness or managed under the provisions of section
24 603(c) of the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1782).

1 (c) ROAD CLOSURES.—Any determination to perma-
2 nently close an existing road in the Cooperative Manage-
3 ment and Protection Area or to restrict the access of mo-
4 torized or mechanized vehicles on certain roads shall be
5 made in consultation with the advisory council and the
6 public.

7 (d) PROHIBITION ON NEW CONSTRUCTION.—

8 (1) PROHIBITION, EXCEPTION.—No new road
9 or trail for motorized or mechanized vehicles may be
10 constructed on Federal lands in the Cooperative
11 Management and Protection Area unless the Sec-
12 retary determines that the road or trail is necessary
13 for public safety or protection of the environment.
14 Any determination under this subsection shall be
15 made in consultation with the advisory council and
16 the public.

17 (2) TRAILS.—Nothing in this subsection is in-
18 tended to limit the authority of the Secretary to con-
19 struct or maintain trails for nonmotorized or non-
20 mechanized use.

21 (e) ACCESS TO NONFEDERALLY OWNED LANDS.—

22 (1) REASONABLE ACCESS.—The Secretary shall
23 provide reasonable access to nonfederally owned
24 lands or interests in land within the boundaries of
25 the Cooperative Management and Protection Area

1 and the Wilderness Area to provide the owner of the
2 land or interest the reasonable use thereof.

3 (2) EFFECT ON EXISTING RIGHTS-OF-WAY.—

4 Nothing in this Act shall have the effect of termi-
5 nating any valid existing right-of-way on Federal
6 lands included in the Cooperative Management and
7 Protection Area.

8 **SEC. 113. LAND USE AUTHORITIES.**

9 (a) IN GENERAL.—The Secretary shall allow only
10 such uses of the Federal lands included in the Cooperative
11 Management and Protection Area as the Secretary finds
12 will further the purposes for which the Cooperative Man-
13 agement and Protection Area is established.

14 (b) COMMERCIAL TIMBER.—

15 (1) PROHIBITION.—The Federal lands included
16 in the Cooperative Management and Protection Area
17 shall not be made available for commercial timber
18 harvest.

19 (2) LIMITED EXCEPTION.—The Secretary may
20 authorize the removal of trees from Federal lands in
21 the Cooperative Management and Protection Area
22 only if the Secretary determines that the removal is
23 clearly needed for purposes of ecological restoration
24 and maintenance or for public safety. Except in the
25 Wilderness Area and the wilderness study areas re-

1 ferred to in section 204(a), the Secretary may au-
2 thorize the sale of products resulting from the au-
3 thorized removal of trees under this paragraph.

4 (c) JUNIPER MANAGEMENT.—The Secretary shall
5 emphasize the restoration of the historic fire regime in the
6 Cooperative Management and Protection Area and the re-
7 sulting native vegetation communities through active man-
8 agement of Western Juniper on a landscape level. Man-
9 agement measures shall include the use of natural and
10 prescribed burning.

11 (d) HUNTING, FISHING, AND TRAPPING.—

12 (1) AUTHORIZATION.—The Secretary shall per-
13 mit hunting, fishing, and trapping on Federal lands
14 included in the Cooperative Management and Pro-
15 tection Area in accordance with applicable laws and
16 regulations of the United States and the State of
17 Oregon.

18 (2) AREA AND TIME LIMITATIONS.—After con-
19 sultation with the Oregon Department of Fish and
20 Wildlife, the Secretary may designate zones where,
21 and establish periods when, hunting, trapping or
22 fishing is prohibited on Federal lands included in the
23 Cooperative Management and Protection Area for
24 reasons of public safety, administration, or public
25 use and enjoyment.

1 (e) GRAZING.—

2 (1) CONTINUATION OF EXISTING LAW.—Except
3 as otherwise provided in this Act, the laws, regula-
4 tions, and executive orders otherwise applicable to
5 the Bureau of Land Management in issuing and ad-
6 ministering grazing leases and permits on lands
7 under its jurisdiction shall apply in regard to the
8 Federal lands included in the Cooperative Manage-
9 ment and Protection Area.

10 (2) CANCELLATION OF CERTAIN PERMITS.—
11 The Secretary shall cancel that portion of the per-
12 mitted grazing on Federal lands in the Lowther and
13 Roaring Springs allotments located within the area
14 designated on the map entitled “No Grazing Area”,
15 dated July 21, 2000. Upon cancellation, future graz-
16 ing use in that designated area is prohibited. The
17 Secretary shall be responsible for installing and
18 maintaining any fencing required for resource pro-
19 tection within the No Grazing Area.

20 (3) FORAGE REPLACEMENT.—Replacement of
21 lost livestock forage resulting from the selection of
22 Federal lands within the Fields Basin Allotment
23 shall include the following pasture assignments with-
24 in the Miners Field Allotment:

25 (A) O’Keefe pasture to Stafford Ranches.

1 (B) Fields Seeding and Bone Creek Pas-
 2 ture east of county road to Amy Ready.

3 (C) Miners Field Pasture, Schouver Seed-
 4 ing and Bone Creek Pasture west of county
 5 road to Roaring Springs Ranch.

6 (4) FENCING AND WATER SYSTEMS.—The Sec-
 7 retary shall also construct fencing and develop water
 8 systems as necessary to allow reasonable and effi-
 9 cient livestock use of the forage resources referred to
 10 in paragraph (3).

11 (f) PROHIBITION ON CONSTRUCTION OF FACILI-
 12 TIES.—No new facilities may be constructed on Federal
 13 lands included in the Cooperative Management and Pro-
 14 tection Area unless the Secretary determines that the
 15 structure—

16 (1) will be minimal in nature;

17 (2) is consistent with the purposes of this Act;

18 and

19 (3) is necessary—

20 (A) for enhancing botanical, fish, wildlife,
 21 or watershed conditions;

22 (B) for public information, health, or safe-
 23 ty;

24 (C) for the management of livestock; or

1 (D) for the management of recreation, but
2 not for the promotion of recreation.

3 (g) WITHDRAWAL.—Subject to valid existing rights,
4 the Federal lands and interests in lands included in the
5 Cooperative Management and Protection Areas are hereby
6 withdrawn from all forms of entry, appropriation, or dis-
7 posal under the public land laws, except in the case of
8 land exchanges if the Secretary determines that the ex-
9 change furthers the purpose and objectives specified in
10 section 102 and so certifies to Congress.

11 **SEC. 114. LAND ACQUISITION AUTHORITY.**

12 (a) ACQUISITION.—

13 (1) ACQUISITION AUTHORIZED.—In addition to
14 the land acquisitions authorized by title VI, the Sec-
15 retary may acquire other non-Federal lands and in-
16 terests in lands located within the boundaries of the
17 Cooperative Management and Protection Area or the
18 Wilderness Area.

19 (2) ACQUISITION METHODS.—Lands may be ac-
20 quired under this subsection only by voluntary ex-
21 change, donation, or purchase from willing sellers.

22 (b) TREATMENT OF ACQUIRED LANDS.—

23 (1) IN GENERAL.—Upon acquisition under sub-
24 section (a) or title VI, lands or interests in lands ac-

1 quired within the boundaries of the Cooperative
2 Management and Protection Area shall—

3 (A) become part of the Cooperative Man-
4 agement and Protection Area; and

5 (B) be managed pursuant to the laws ap-
6 plicable to the Cooperative Management and
7 Protection Area.

8 (2) LANDS WITHIN WILDERNESS AREA.—If the
9 acquired lands or interests in lands are also within
10 the boundaries of the Wilderness Area, the lands or
11 interests in lands shall—

12 (1) become part of the Wilderness Area; and

13 (2) be managed pursuant to title II and the
14 other laws applicable to the Wilderness Area.

15 (3) LANDS WITHIN WILDERNESS STUDY
16 AREA.—If the acquired lands or interests in lands
17 are also within the boundaries of a wilderness study
18 area, the lands or interests in lands shall—

19 (1) become part of that wilderness study area;
20 and

21 (2) be managed pursuant to the laws applicable
22 to that wilderness study area.

23 (c) APPRAISAL.—In appraising non-Federal land, de-
24 velopment rights, or conservation easements for possible
25 acquisition under this section or section 122, the Secretary

1 shall disregard any adverse impacts on values resulting
 2 from the designation of the Cooperative Management and
 3 Protection Area or the Wilderness Area.

4 **SEC. 115. SPECIAL USE PERMITS.**

5 The Secretary may renew a special recreational use
 6 permit applicable to lands included in the Wilderness Area
 7 to the extent that the Secretary determines that the per-
 8 mit is consistent with the Wilderness Act (16 U.S.C. 1131
 9 et seq.). If renewal is not consistent with the Wilderness
 10 Act, the Secretary shall seek other opportunities for the
 11 permit holder through modification of the permit to realize
 12 historic permit use to the extent that the use is consistent
 13 with the Wilderness Act and this Act, as determined by
 14 the Secretary.

15 **Subtitle C—Cooperative**
 16 **Management**

17 **SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.**

18 (a) COOPERATIVE EFFORTS.—To further the pur-
 19 poses and objectives for which the Cooperative Manage-
 20 ment and Protection Area is designated, the Secretary
 21 may work with non-Federal landowners and other parties
 22 who voluntarily agree to participate in the cooperative
 23 management of Federal and non-Federal lands in the Co-
 24 operative Management and Protection Area.

1 (b) AGREEMENTS AUTHORIZED.—The Secretary may
 2 enter into a cooperative management agreement with any
 3 party to provide for the cooperative conservation and man-
 4 agement of the Federal and non-Federal lands subject to
 5 the agreement.

6 (c) OTHER PARTICIPANTS.—With the consent of the
 7 landowners involved, the Secretary may permit permittees,
 8 special-use permit holders, other Federal and State agen-
 9 cies, and interested members of the public to participate
 10 in a cooperative management agreement as appropriate to
 11 achieve the resource or land use management objectives
 12 of the agreement.

13 (d) TRIBAL CULTURAL SITE PROTECTION.—The
 14 Secretary may enter into agreements with the Burns Pai-
 15 ute Tribe to protect cultural sites in the Cooperative Man-
 16 agement and Protection Area of importance to the tribe.

17 **SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOP-**
 18 **MENT AND ENCOURAGE CONSERVATION.**

19 (a) POLICY.—Development on public and private
 20 lands within the boundaries of the Cooperative Manage-
 21 ment and Protection Area which is different from the cur-
 22 rent character and uses of the lands is inconsistent with
 23 the purposes of this Act.

24 (b) USE OF NONDEVELOPMENT AND CONSERVATION
 25 EASEMENTS.—The Secretary may enter into a non-

1 development easement or conservation easement with will-
 2 ing landowners to further the purposes of this Act.

3 (c) CONSERVATION INCENTIVE PAYMENTS.—The
 4 Secretary may provide technical assistance, cost-share
 5 payments, incentive payments, and education to a private
 6 landowner in the Cooperative Management and Protection
 7 Area who enters into a contract with the Secretary to pro-
 8 tect or enhance ecological resources on the private land
 9 covered by the contract if those protections or enhance-
 10 ments also benefit public lands.

11 (d) RELATION TO PROPERTY RIGHTS AND STATE
 12 AND LOCAL LAW.—Nothing in this Act is intended to af-
 13 fect rights or interests in real property or supersede State
 14 law.

15 **Subtitle D—Advisory Council**

16 **SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.**

17 (a) ESTABLISHMENT.—The Secretary shall establish
 18 the Steens Mountain Advisory Council to advise the Sec-
 19 retary in managing the Wilderness Area and the Coopera-
 20 tive Management and Protection Area and in promoting
 21 the cooperative management under subtitle C.

22 (b) MEMBERS.—The advisory council shall consist of
 23 12 voting members, to be appointed by the Secretary, as
 24 follows:

1 (1) A private landowner in the Cooperative
2 Management and Protection Area, appointed from
3 nominees submitted by the county court for Harney
4 County, Oregon.

5 (2) Two persons who are grazing permittees on
6 Federal lands in the Cooperative Management and
7 Protection Area, appointed from nominees submitted
8 by the county court for Harney County, Oregon.

9 (3) A person interested in fish and recreational
10 fishing in the Cooperative Management and Protec-
11 tion Area, appointed from nominees submitted by
12 the Governor of Oregon.

13 (4) A member of the Burns Paiute Tribe, ap-
14 pointed from nominees submitted by the Burns Pai-
15 ute Tribe.

16 (5) Two persons who are recognized environ-
17 mental representatives, one of whom shall represent
18 the State as a whole, and one of whom is from the
19 local area, appointed from nominees submitted by
20 the Governor of Oregon.

21 (6) A person who participates in what is com-
22 monly called dispersed recreation, such as hiking,
23 camping, nature viewing, nature photography, bird
24 watching, horse back riding, or trail walking, ap-

1 pointed from nominees submitted by the Oregon
2 State Director of the Bureau of Land Management.

3 (7) A person who is a recreational permit hold-
4 er or is a representative of a commercial recreation
5 operation in the Cooperative Management and Pro-
6 tection Area, appointed from nominees submitted
7 jointly by the Oregon State Director of the Bureau
8 of Land Management and the county court for Har-
9 ney County, Oregon.

10 (8) A person who participates in what is com-
11 monly called mechanized or consumptive recreation,
12 such as hunting, fishing, off-road driving, hang glid-
13 ing, or parasailing, appointed from nominees sub-
14 mitted by the Oregon State Director of the Bureau
15 of Land Management.

16 (9) A person with expertise and interest in wild
17 horse management on Steens Mountain, appointed
18 from nominees submitted by the Oregon State Di-
19 rector of the Bureau of Land Management.

20 (10) A person who has no financial interest in
21 the Cooperative Management and Protection Area to
22 represent statewide interests, appointed from nomi-
23 nees submitted by the Governor of Oregon.

24 (c) CONSULTATION.—In reviewing nominees sub-
25 mitted under subsection (b) for possible appointment to

1 the advisory council, the Secretary shall consult with the
2 respective community of interest that the nominees are to
3 represent to ensure that the nominees have the support
4 of their community of interest.

5 (d) TERMS.—

6 (1) STAGGERED TERMS.—Members of the advi-
7 sory council shall be appointed for terms of three
8 years, except that, of the members first appointed,
9 four members shall be appointed for a term of one
10 year and four members shall be appointed for a term
11 of two years.

12 (2) REAPPOINTMENT.—A member may be re-
13 appointed to serve on the advisory council.

14 (3) VACANCY.—A vacancy on the advisory
15 council shall be filled in the same manner as the
16 original appointment.

17 (d) CHAIRPERSON AND PROCEDURES.—The advisory
18 council shall elect a chairperson and establish such rules
19 and procedures as it deems necessary or desirable.

20 (e) SERVICE WITHOUT COMPENSATION.—Members
21 of the advisory council shall serve without pay, but the
22 Secretary shall reimburse members for reasonable ex-
23 penses incurred in carrying out official duties as a member
24 of the council.

1 (f) ADMINISTRATIVE SUPPORT.—The Secretary shall
 2 provide the advisory council with necessary administrative
 3 support and shall designate an appropriate officer of the
 4 Bureau of Land Management to serve as the Secretary’s
 5 liaison to the council.

6 (g) STATE LIAISON.—The Governor of Oregon may
 7 appoint a nonvoting member to the advisory council who
 8 shall serve as the Governor’s liaison on the advisory coun-
 9 cil.

10 (h) APPLICABLE LAW.—The advisory committee
 11 shall be subject to the Federal Land Policy and Manage-
 12 ment Act of 1976 (43 U.S.C. 1701 et seq.) and the Fed-
 13 eral Advisory Committee Act (5 U.S.C. App.).

14 **SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.**

15 (a) MANAGEMENT RECOMMENDATIONS.—The advi-
 16 sory committee shall utilize sound science, existing plans
 17 for the management of Federal lands included in the Co-
 18 operative Management and Protection Area, and other
 19 tools to formulate recommendations for the Secretary
 20 regarding—

21 (1) new and unique approaches to the manage-
 22 ment of lands within the boundaries of the Coopera-
 23 tive Management and Protection Area; and

24 (2) cooperative programs and incentives for
 25 seamless landscape management that meets human

1 needs and maintains and improves the ecological and
 2 economic integrity of the Cooperative Management
 3 and Protection Area.

4 (b) PREPARATION OF MANAGEMENT PLAN.—The
 5 Secretary shall consult with the advisory committee as
 6 part of the preparation and implementation of the man-
 7 agement plan.

8 (c) SUBMISSION OF RECOMMENDATIONS.—No rec-
 9 ommendations may be presented to the Secretary by the
 10 advisory council without the agreement of at least nine
 11 members of the advisory council.

12 **SEC. 133. SCIENCE COMMITTEE.**

13 The Secretary shall appoint, as needed or at the re-
 14 quest of the advisory council, a team of respected, knowl-
 15 edgeable, and diverse scientists to provide advice on ques-
 16 tions relating to the management of the Cooperative Man-
 17 agement and Protection Area to the Secretary and the ad-
 18 visory council. The Secretary shall seek the advice of the
 19 advisory council in making these appointments.

20 **TITLE II—STEENS MOUNTAIN**
 21 **WILDERNESS AREA**

22 **SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDER-**
 23 **NESS AREA.**

24 The Secretary shall designate Federal lands in the
 25 Cooperative Management and Protection Area comprising

1 a total of approximately 172,000 acres, as depicted on the
2 map entitled “_____”, dated _____, 2000, as wilderness and
3 therefore as a component of the National Wilderness Pres-
4 ervation System. The wilderness area shall be known as
5 the Steens Mountain Wilderness Area.

6 **SEC. 202. ADMINISTRATION OF WILDERNESS AREA.**

7 (a) GENERAL RULE.—The Secretary shall administer
8 the Wilderness Area in accordance with this Act and the
9 Wilderness Act (16 U.S.C. 1131 et seq.). Any reference
10 in the Wilderness Act to the effective date of that Act (or
11 any similar reference) shall be deemed to be a reference
12 to the date of the enactment of this Act.

13 (b) ACCESS TO NON-FEDERAL LANDS.—The Sec-
14 retary shall provide reasonable access to private lands
15 within the boundaries of the Wilderness Area, as provided
16 in section 112(d).

17 (c) GRAZING.—

18 (1) ADMINISTRATION.—Except as provided in
19 section 113(e)(2), grazing of livestock shall be ad-
20 ministered in accordance with the provision of sec-
21 tion 4(d)(4) of the Wilderness Act (16 U.S.C.
22 1133(d)(4)), in accordance with the provisions of
23 this Act, and in accordance with the guidelines set
24 forth in Appendices A and B of House Report 101–
25 405 of the 101st Congress.

1 (2) RETIREMENT OF CERTAIN PERMITS.—The
2 Secretary shall permanently retire all grazing per-
3 mits applicable to certain lands in the Wilderness
4 Area, totaling approximately 104,965 acres, as de-
5 picted on the map referred to in section 101, and
6 livestock shall be excluded from these lands.

7 **SEC. 203. WATER RIGHTS.**

8 (a) RESERVATION.—Congress hereby reserves a
9 quantity of water sufficient to fulfill the purposes for
10 which the Wilderness Area are designated. The priority
11 date of such reserved rights shall be the date of the enact-
12 ment of this Act.

13 (b) PROTECTION.—The Secretary shall take such
14 steps as may be necessary to protect the rights reserved
15 by subsection (a), including the filing by the Secretary of
16 a claim for the quantification of the rights in any present
17 or future appropriate stream adjudication in the courts
18 of the State of Oregon in which the United States is or
19 may be joined and which is conducted in accordance with
20 section 208 of the Act of July 10, 1952 (43 U.S.C. 666;
21 commonly referred the McCarran Amendment).

22 (c) RELATION TO OTHER RESERVATIONS.—Nothing
23 in this Act shall be construed as a relinquishment or re-
24 duction of any water rights reserved or appropriated by

1 the United States in the State of Oregon on or before the
2 date of enactment of this Act.

3 **SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.**

4 (a) STATUS UNAFFECTED.—Any wilderness study
5 area, or portion of a wilderness study area, within the
6 boundaries of the Cooperative Management and Protec-
7 tion Area but not included in the Wilderness Area shall
8 remain a wilderness study area notwithstanding the enact-
9 ment of this Act.

10 (b) MANAGEMENT.—

11 (1) APPLICABLE LAWS.—The wilderness study
12 areas referred to in subsection (a) shall continue to
13 be managed under section 603(c) of the Federal
14 Land Policy and Management Act of 1976 (43
15 U.S.C. 1782(c)) in a manner so as not to impair the
16 suitability of the areas for preservation as wilder-
17 ness.

18 (2) CERTAIN ACTIVITIES PERMITTED.—Where
19 water developments, juniper management, and fenc-
20 ing are necessary to protect or enhance wilderness
21 values in a wilderness study area referred to in sub-
22 section (a), they may be permitted consistent with
23 section 603(c) of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1782(c)).

1 (3) JUNIPER SPECIES.—The Secretary may not
 2 permit management of juniper species in the wilder-
 3 ness study areas referred to in subsection (a) with
 4 mechanized tools unless the Secretary first considers
 5 nonmechanized treatments and the recommendations
 6 of the science committee and the advisory council.

7 **TITLE III—WILD AND SCENIC**
 8 **RIVERS AND TROUT RESERVE**

9 **SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCE-**
 10 **NIC RIVER STATUS IN STEENS MOUNTAIN**
 11 **AREA.**

12 (a) EXPANSION OF DONNER UND BLITZEN WILD
 13 RIVER.—Section 3(a)(74) of the Wild and Scenic Rivers
 14 Act (16 U.S.C. 1274(a)(74)) is amended—

15 (1) by striking “the” at the beginning of each
 16 subparagraph and inserting “The”;

17 (2) by striking the semicolon at the end of sub-
 18 paragraphs (A), (B), (C), and (D) and inserting a
 19 period;

20 (3) by striking “; and” at the end of subpara-
 21 graph (E) and inserting a period; and

22 (4) by adding at the end the following new sub-
 23 paragraphs:

24 “(G) The 5.1 mile segment of Mud Creek from
 25 its confluence with an unnamed spring in the

1 SW¹/₄SE¹/₄ of section 32, township 33 south, range
 2 33 east, to its confluence with the Donner und
 3 Blitzen River.

4 “(H) The 8.1 mile segment of Ankle Creek
 5 from its headwaters to its confluence with the
 6 Donner und Blitzen River.

7 “(I) The 1.6 mile segment of the South Fork
 8 of Ankle Creek from its confluence with an unnamed
 9 tributary in the SE¹/₄SE¹/₄ of section 17, township
 10 34 south, range 33 east, to its confluence with Ankle
 11 Creek.”.

12 (b) DESIGNATION OF WILDHORSE CREEK, OR-
 13 EGON.—Section 3(a) of the Wild and Scenic Rivers Act
 14 (16 U.S.C. 1274(a)) is amended by adding at the end the
 15 following new paragraph:

16 “(161) WILDHORSE CREEK, OREGON.—The fol-
 17 lowing segments in the Steens Mountain Cooperative Man-
 18 agement and Protection Area in the State of Oregon, to
 19 be administered by the Secretary of the Interior as a wild
 20 river:

21 “(A) The 2.6 mile segment of Little Wildhorse
 22 Creek from its headwaters to its confluence with
 23 Wildhorse Creek.

1 “(B) The 7.0 mile segment of Wildhorse Creek
2 from its headwaters, and including .36 stream miles
3 into section 34, township 34 south, range 33 east.”.

4 (b) MANAGEMENT.—Where management require-
5 ments for a stream segment described in the amendments
6 made by this section differ between the Wild and Scenic
7 Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness
8 Area, the more restrictive requirements shall apply.

9 **SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT**
10 **RESERVE.**

11 (a) FINDINGS.—The Congress finds the following:

12 (1) Those portions of the Donner und Blitzen
13 River in the Wilderness Area are an exceptional en-
14 vironmental resource that provides habitat for
15 unique populations of native fish, migratory water-
16 fowl, and other wildlife resources, including a unique
17 population of redband trout.

18 (2) Redband trout represent a unique natural
19 history reflecting the Pleistocene connection between
20 the lake basins of eastern Oregon and the Snake
21 and Columbia Rivers.

22 (b) DESIGNATION OF RESERVE.—The Secretary shall
23 designate the Donner und Blitzen Redband Trout Reserve
24 consisting of the Donner und Blitzen River in the Wilder-
25 ness Area above its confluence with Fish Creek and the

1 Federal riparian lands immediately adjacent to the river,
2 as depicted on the map entitled “Donner Und Blitzen
3 River Redband Trout Reserve” and dated ____, 2000.

4 (c) RESERVE PURPOSES.—The purposes of the
5 Redband Trout Reserve are—

6 (1) to conserve, protect, and enhance the
7 Donner und Blitzen River population of redband
8 trout and the unique ecosystem of plants, fish, and
9 wildlife of a river system; and

10 (2) to provide opportunities for scientific re-
11 search, environmental education, and fish and wild-
12 life oriented recreation and access to the extent com-
13 patible with paragraph (1).

14 (d) EXCLUSION OF PRIVATE LANDS.—The Redband
15 Trout Reserve does not include any private lands adjacent
16 to the Donner und Blitzen River or its tributaries.

17 (e) ADMINISTRATION.—

18 (1) IN GENERAL.—The Secretary shall admin-
19 ister all lands, waters, and interests therein in the
20 Redband Trout Reserve consistent with the Wilder-
21 ness Act (16 U.S.C. 1131 et seq.) and the Wild and
22 Scenic Rivers Act (16 U.S.C. 1271 et seq.).

23 (2) CONSULTATION.—In administering the
24 Redband Trout Reserve, the Secretary shall consult

1 with the advisory council and cooperate with the Or-
 2 egon Department of Fish and Wildlife.

3 (3) RELATION TO RECREATION.—To the extent
 4 consistent with applicable law, the Secretary shall
 5 manage recreational activities in the Redband Trout
 6 Reserve in a manner that conserves the unique pop-
 7 ulation of redband trout native to the Donner und
 8 Blitzen River.

9 (4) REMOVAL OF DAM.—The Secretary shall re-
 10 move the dam located below the mouth of Fish
 11 Creek and above Page Springs if removal of the dam
 12 is scientifically justified and funds are available for
 13 such purpose.

14 (f) OUTREACH AND EDUCATION.—The Secretary
 15 may work with, provide technical assistance to, provide
 16 community outreach and education programs for or with,
 17 or enter into cooperative agreements with private land-
 18 owners, State and local governments or agencies, and con-
 19 servation organizations to further the purposes of the
 20 Redband Trout Reserve.

21 **TITLE IV—MINERAL** 22 **WITHDRAWAL AREA**

23 **SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.**

24 (a) DESIGNATION.—Subject to valid existing rights,
 25 the Federal lands and interests in lands included within

1 the withdrawal boundary as depicted on the map referred
2 to in section 101 of this Act are hereby withdrawn from—

3 (1) location, entry and patent under the mining
4 laws; and,

5 (2) operation of the mineral leasing and geo-
6 thermal leasing laws and from the minerals mate-
7 rials laws and all amendments thereto except as
8 specified in subsection (b).

9 (b) ROAD MAINTENANCE.—If consistent with the
10 purposes of this Act and the management plan for the Co-
11 operative Management and Protection Area, the Secretary
12 may permit the development of saleable mineral resources,
13 for road maintenance use only, in those locations identified
14 on the map referred to in section 101 as an existing “grav-
15 el pit” within the mineral withdrawal boundaries (exclud-
16 ing the Wilderness Area, wilderness study areas, and des-
17 ignated segments of the National Wild and Scenic Rivers
18 System) where such development was authorized before
19 the date of enactment of this Act.

20 **SEC. 402. TREATMENT OF STATE LANDS AND MINERAL IN-**
21 **TERESTS.**

22 In the case of any lands and mineral interests that
23 are managed by the Oregon Division of State Lands and
24 located within the boundaries of the mineral withdrawal

1 area designated pursuant to section 401, the Secretary
2 shall acquire such lands and interests in exchange for—

3 (1) Federal lands or Federal mineral interests
4 that are outside the boundaries of the mineral with-
5 drawal area, are of approximately equal value, and
6 are agreed to by the parties;

7 (2) a monetary payment to the State; or

8 (3) a combination of a conveyance under para-
9 graph (1) and a monetary payment under paragraph
10 (2).

11 **TITLE V—ESTABLISHMENT OF** 12 **WILDLANDS JUNIPER MAN-** 13 **AGEMENT AREA**

14 **SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.**

15 (a) ESTABLISHMENT.—To further the purposes of
16 section 113(c), the Secretary shall establish a wildlands
17 juniper management area, as depicted on the map entitled
18 “WJMA”, dated ____, 2000, consisting of certain Federal
19 lands in the Cooperative Management and Protection
20 Area.

21 (b) MANAGEMENT.—Special management practices
22 shall be adopted for the wildlands juniper management
23 area for the purposes of experimentation, education, inter-
24 pretation, and demonstration of active and passive man-

1 agement intended to restore the historic fire regime and
 2 native vegetation communities on Steens Mountain.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 4 tion to the authorization of appropriations in section 701,
 5 there is authorized to be appropriated \$5,000,000 to carry
 6 out this section and section 113(c) regarding juniper man-
 7 agement in the Cooperative Management and Protection
 8 Area.

9 **SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STA-**
 10 **TUS.**

11 The Federal lands included in the wildlands juniper
 12 management area established under section 501 are no
 13 longer subject to the requirement of section 603(c) of the
 14 Federal Land Policy and Management Act of 1976 (43
 15 U.S.C. 1782(c)) pertaining to managing the lands so as
 16 not to impair the suitability of the lands for preservation
 17 as wilderness.

18 **TITLE VI—LAND EXCHANGES**

19 **SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.**

20 (a) EXCHANGE AUTHORIZED.—For the purpose of
 21 protecting and consolidating Federal lands within the Wil-
 22 derness Area, the Secretary may carry out a land ex-
 23 change with Roaring Springs Ranch, Incorporated, to con-
 24 vey all right, title, and interest of the United States in
 25 and to certain parcels of land under the jurisdiction of

1 the Bureau of Land Management in the vicinity of Steens
2 Mountain, Oregon, as depicted on the map referred to in
3 section 101, consisting of a total of approximately ____
4 acres in exchange for the private lands described in sub-
5 section (b).

6 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-
7 eration for the conveyance of the Federal lands referred
8 to in subsection (a), Roaring Springs Ranch, Incor-
9 porated, shall convey to the Secretary parcels of land con-
10 sisting of approximately ____ acres, as depicted on the
11 map referred to in subsection (a), for inclusion in the Wil-
12 derness Area.

13 (c) TREATMENT OF GRAZING.—Paragraphs (2) and
14 (3) of section 113(e), relating to the effect of the cancella-
15 tion of grazing permits for the Lowther and Roaring
16 Springs allotments in the Wilderness Area and reassign-
17 ment of use areas within the Miners Field Allotment, shall
18 apply to the land exchange authorized by this section.

19 (d) ECONOMIC ADJUSTMENT DISBURSEMENTS.—To
20 compensate for lost productivity and economic activity
21 caused by the dislocation and reallocation of resources and
22 the disruption and termination of traditional management
23 techniques as a result of the date of the enactment of this
24 Act, the Secretary shall make an economic adjustment dis-

1 bursement to the Roaring Springs Ranch, Incorporated,
2 in the amount of \$2,889,000.

3 (e) COMPLETION OF CONVEYANCE.—The Secretary
4 shall complete the conveyance of the Federal lands under
5 subsection (a) within three months after the Secretary ac-
6 cepts the lands described in subsection (b).

7 **SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY**
8 **BROTHERS.**

9 (a) C. M. OTLEY EXCHANGE.—

10 (1) EXCHANGE AUTHORIZED.—For the purpose
11 of protecting and consolidating Federal lands within
12 the Wilderness Area, the Secretary may carry out a
13 land exchange with C. M. Otley to convey all right,
14 title, and interest of the United States in and to cer-
15 tain parcels of land under the jurisdiction of the Bu-
16 reau of Land Management in the vicinity of Steens
17 Mountain, Oregon, as depicted on the map referred
18 to in section 101, consisting of a total of approxi-
19 mately _____ acres in exchange for the private
20 lands described in paragraph (2).

21 (2) RECEIPT OF NON-FEDERAL LANDS.—As
22 consideration for the conveyance of the Federal
23 lands referred to in paragraph (1), C. M. Otley shall
24 convey to the Secretary a parcel of land in the head-
25 waters of Kiger gorge consisting of approximately

1 ____ acres, as depicted on the map referred to in
2 paragraph (1), for inclusion in the Wilderness Area.

3 (b) OTLEY BROTHERS EXCHANGE.—

4 (1) EXCHANGE AUTHORIZED.—For the purpose
5 of protecting and consolidating Federal lands within
6 the Wilderness Area, the Secretary may carry out a
7 land exchange with the Otley Brother's, Inc., to con-
8 vey all right, title, and interest of the United States
9 in and to certain parcels of land under the jurisdic-
10 tion of the Bureau of Land Management in the vi-
11 cinity of Steens Mountain, Oregon, as depicted on
12 the map referred to in section 101, consisting of a
13 total of approximately ____ acres in exchange for
14 the private lands described in paragraph (2).

15 (2) RECEIPT OF NON-FEDERAL LANDS.—As
16 consideration for the conveyance of the Federal
17 lands referred to in paragraph (1), the Otley Broth-
18 er's, Inc., shall convey to the Secretary a parcel of
19 land in the headwaters of Kiger gorge consisting of
20 approximately ____ acres, as depicted on the map
21 referred to in paragraph (1), for inclusion in the
22 Wilderness Area.

23 (c) ECONOMIC ADJUSTMENT DISBURSEMENTS.—To
24 compensate for lost productivity and economic activity
25 caused by the dislocation and reallocation of resources and

1 the disruption and termination of traditional management
 2 techniques as a result of the date of the enactment of this
 3 Act, the Secretary shall make an economic adjustment
 4 disbursement—

5 (1) to C.M. Otley in the amount of \$920,000;
 6 and

7 (2) to Otley Brother's, Inc., in the amount of
 8 \$400,000.

9 (d) COMPLETION OF CONVEYANCE.—The Secretary
 10 shall complete the conveyances of the Federal lands under
 11 subsections (a) and (b) within three months after the Sec-
 12 retary accepts the lands described in such subsections.

13 **SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, IN-**
 14 **CORPORATED.**

15 (a) EXCHANGE AUTHORIZED.—For the purpose of
 16 protecting and consolidating Federal lands within the Wil-
 17 derness Area, the Secretary may carry out a land ex-
 18 change with Tom J. Davis Livestock, Incorporated, to con-
 19 vey all right, title, and interest of the United States in
 20 and to certain parcels of land under the jurisdiction of
 21 the Bureau of Land Management in the vicinity of Steens
 22 Mountain, Oregon, as depicted on the map referred to in
 23 section 101, consisting of a total of approximately ____
 24 acres in exchange for the private lands described in sub-
 25 section (b).

1 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-
2 eration for the conveyance of the Federal lands referred
3 to in subsection (a), Tom J. Davis Livestock, Incor-
4 porated, shall convey to the Secretary a parcel of land con-
5 sisting of approximately ____ acres, as depicted on the
6 map referred to in subsection (a), for inclusion in the Wil-
7 derness Area.

8 (c) ECONOMIC ADJUSTMENT DISBURSEMENTS.—To
9 compensate for lost productivity and economic activity
10 caused by the dislocation and reallocation of resources and
11 the disruption and termination of traditional management
12 techniques as a result of the date of the enactment of this
13 Act, the Secretary shall make an economic adjustment dis-
14 bursement to Tom J. Davis Livestock, Incorporated, in
15 the amount of \$800,000.

16 (d) COMPLETION OF CONVEYANCE.—The Secretary
17 shall complete the conveyance of the Federal lands under
18 subsection (a) within three months after the Secretary ac-
19 cepts the lands described in subsection (b).

20 **SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.**

21 (a) EXCHANGE AUTHORIZED.—For the purpose of
22 protecting and consolidating Federal lands within the Wil-
23 derness Area, the Secretary may carry out a land ex-
24 change with the Lowther (Clemens) Ranch to convey all
25 right, title, and interest of the United States in and to

1 certain parcels of land under the jurisdiction of the Bu-
2 reau of Land Management in the vicinity of Steens Moun-
3 tain, Oregon, as depicted on the map referred to in section
4 101, consisting of a total of approximately ____ acres in
5 exchange for the private lands described in subsection (b).

6 (b) RECEIPT OF NON-FEDERAL LANDS.—As consid-
7 eration for the conveyance of the Federal lands referred
8 to in subsection (a), the Lowther (Clemens) Ranch shall
9 convey to the Secretary a parcel of land consisting of ap-
10 proximately ____ acres, as depicted on the map referred
11 to in subsection (a), for inclusion in the Wilderness Area.

12 (c) ECONOMIC ADJUSTMENT DISBURSEMENTS.—To
13 compensate for lost productivity and economic activity
14 caused by the dislocation and reallocation of resources and
15 the disruption and termination of traditional management
16 techniques as a result of the date of the enactment of this
17 Act, the Secretary shall make an economic adjustment dis-
18 bursement to the Lowther (Clemens) Ranch in the amount
19 of \$148,000.

20 (c) COMPLETION OF CONVEYANCE.—The Secretary
21 shall complete the conveyance of the Federal lands under
22 subsection (a) within three months after the Secretary ac-
23 cepts the lands described in subsection (b).

1 **SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EX-**
2 **CHANGES.**

3 (a) APPLICABLE LAW.—Except as otherwise provided
4 in this section, the exchange of Federal land under this
5 title is subject to the existing laws and regulations applica-
6 ble to the conveyance and acquisition of land under the
7 jurisdiction of the Bureau of Land Management. It is an-
8 ticipated that the Secretary will be able to carry out such
9 land exchanges without the promulgation of additional
10 regulations and without regard to the notice and comment
11 provisions of section 553 of title 5, United States Code.

12 (b) CONDITIONS ON ACCEPTANCE.—Title to the non-
13 Federal lands to be conveyed under this title must be ac-
14 ceptable to the Secretary, and the conveyances shall be
15 subject to valid existing rights of record. The non-Federal
16 lands shall conform with the title approval standards ap-
17 plicable to Federal land acquisitions.

18 (c) LEGAL DESCRIPTIONS.—The exact acreage and
19 legal description of all lands to be exchanged under this
20 title shall be determined by surveys satisfactory to the Sec-
21 retary. The costs of any such survey, as well as other ad-
22 ministrative costs incurred to execute a land exchange
23 under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES

3 SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

4 Except as provided in section 702, there is hereby
5 authorized to be appropriated such sums as may be nec-
6 essary to carry out this Act.

7 SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

8 (a) AVAILABILITY OF FUND.—There are authorized
9 to be appropriated \$25,000,000 from the land and water
10 conservation fund established under section 2 of the Land
11 and Water Conservation Fund Act of 1965 (16 U.S.C.
12 460l–5) to provide funds for the acquisition of land and
13 interests in land under section 114 and to enter into non-
14 development easements and conservation easements under
15 subsections (b) and (c) of section 122.

16 (b) TERM OF USE.—Amounts appropriated pursuant
17 to the authorization of appropriations in subsection (a)
18 shall remain available until expended.

